

MISCELLANEOUS NATIONAL PARKS BILLS AND CONCURRENT  
RESOLUTION SUPPORTING WORLD YEAR OF PHYSICS

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON NATIONAL PARKS  
OF THE  
COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
UNITED STATES SENATE  
ONE HUNDRED EIGHTH CONGRESS  
SECOND SESSION  
ON

<b>S. 1852</b>	<b>S. 2142</b>
<b>S. 2181</b>	<b>S. 2374</b>
<b>S. 2397</b>	<b>H.R. 3706</b>
<b>S. 2567</b>	<b>H.R. 1113</b>
<b>S. 2432</b>	<b>S. Con. Res. 121</b>

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JULY 15, 2004



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# MISCELLANEOUS NATIONAL PARKS BILLS AND CONCURRENT RESOLUTION SUP- PORTING WORLD YEAR OF PHYSICS

THURSDAY, JULY 15, 2004

U.S. SENATE,  
SUBCOMMITTEE ON NATIONAL PARKS,  
COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:33 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Craig Thomas presiding.

## OPENING STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR FROM WYOMING

Senator THOMAS. Good afternoon. I want to welcome our witnesses today to the National Parks Subcommittee hearing. Our purpose is to hear testimony on seven Senate bills, one Senate resolution, and two House bills:

S. 1852, to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin;

S. 2142, to authorize appropriations for the New Jersey Coastal Heritage Trail Route and for other purposes;

S. 2181, to adjust the boundary of the Rocky Mountain National Park in Colorado;

S. 2374, to provide for the conveyance of certain land to the United States and to revise the boundary of the Chickasaw National Recreation Area in Oklahoma;

S. 2397 and H.R. 3706, to adjust the boundary of the John Muir National Historic Site;

S. 2432, to expand the boundaries of Wilson's Creek National Battlefield;

S. 2567, to adjust the boundary of the Redwood National Park in the State of California;

Senate Concurrent Resolution 121 supports the goals and the ideals of the World Year of Physics; and the House bill H.R. 1113, to authorize an exchange of land at Fort Frederica National Monument and for other purposes.

So let me thank the witnesses for coming. We have quite a bit to cover in a single hearing, so if you are inclined to keep your statements precise, please pursue it recklessly and we will put them in full in the record.

Senator.

[The prepared statement of Senator Corzine follows:]

PREPARED STATEMENT OF HON. JON S. CORZINE, U.S. SENATOR FROM NEW JERSEY,  
ON S. 2142

Mr. Chairman, thank you for calling this hearing on S. 2142, which authorizes funding for the continued development of the New Jersey Coastal Heritage Trail Route. I am proud to join my colleague and friend Senator Frank R. Lautenberg as a sponsor of this legislation, and hope it will be approved promptly.

Before I begin, let me acknowledge and congratulate Senator Lautenberg for his long-standing leadership on behalf of New Jersey's Coastal Heritage Trail. Senator Lautenberg has authored many laws that protect New Jersey's coastal environment, including the law requiring states to regularly test recreational beach water quality and the ban on ocean dumping of sewage sludge. It was due to his efforts, along with former Senator Bill Bradley, that the Coastal Heritage Trail was first authorized in 1988.

I also want to recognize the efforts of Congressman Frank LoBiondo who has introduced companion legislation in the House, H.R. 3070, and who, like Senator Lautenberg, has been a strong advocate for the protection of New Jersey's coast line.

Mr. Chairman, this legislation is an important continuation of a program that promotes the significant natural and cultural resources along New Jersey's coast line. Since 1988, the New Jersey Coastal Heritage Trail has given New Jerseyans a valuable look at our State's maritime history, coastal habitat and wildlife. Its interpretive trails, outdoor exhibits and welcome centers provide not just recreation, but valuable lessons for our residents.

Since its inception, the New Jersey Coastal Heritage Trail has been a public-private partnership. The trail is managed by the National Park Service, which works with the NJ Department of Environmental Protection and local conservation groups. This partnership has made the trail a success. The \$1.2 million it has received from National Park Service for construction of the trail, for example, has been exceeded by more than \$3.8 million in non-federal funds, a ratio of more than 3:1.

Unfortunately, the legislation authorizing the trail has expired. S. 2142 would reauthorize the Coastal Heritage Trail for five more years. It also would increase the total available funding from \$4 million to \$8 million so that the Park Service can develop two more theme trails, continue work on existing trails and develop three more welcome centers. In addition, the legislation requires the National Park Service to develop a strategic plan for the trail, along with its other partners.

This is important legislation that will benefit the 300 miles of New Jersey coast line stretching from Perth Amboy to Cape May and the Delaware Memorial Bridge along the Delaware Bay.

I appreciate the Subcommittee's interest in the legislation and look forward to working cooperatively in an effort to secure the bill's approval.

Thank you very much.

#### **STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR FROM HAWAII**

Senator AKAKA. Thank you, Mr. Chairman. Glad to see my good friend, Senator Lautenberg, here before us and others here today.

As you noted, Mr. Chairman, we have a long list of bills on the agenda today, although most of the bills appear to be noncontroversial. I believe all but one supported by the National Park Service will be OK. I have concerns with a couple of the bills which I hope to discuss more in detail with the Park Service witnesses in a few minutes.

These bills reflect many of the day-to-day management issues that face our national parks ranging from the acquisition of two-tenths of an acre at the John Muir National Historic Site in California to the addition of 600 acres of a Civil War battlefield in Missouri. Other bills address issues affecting park neighbors, including the Chickasaw Nation in Oklahoma, a church near Fort Frederica in Georgia, and a ranch next to Rocky Mountain National Park in

Colorado. Finally, others seek increased funding for existing popular programs.

While these bills may seem relatively minor, they are important not only for the bill's sponsors but for the local communities and others who may be affected or who have a specific interest in parks.

We have four witnesses scheduled to testify today, including again my good friend here, Senator Lautenberg, and I look forward to hearing from him and our other witnesses and discussing these bills in greater detail at the appropriate time.

Thank you very much, Mr. Chairman.

Senator THOMAS. Thank you, Senator.

Welcome, Senator Lautenberg. Glad to have you. Please go right ahead.

**STATEMENT OF HON. FRANK LAUTENBERG, U.S. SENATOR  
FROM NEW JERSEY**

Senator LAUTENBERG. Thanks, Mr. Chairman. Whenever I appear with a colleague who comes from a magnificent State like Wyoming, a beautiful State like Hawaii, and people think of New Jersey as an urbanized State. We happen to be the most densely populated in the country, almost 8 million people, and probably something like 7,500 square miles. It is tiny.

We, therefore, have to take advantage of every inch of space that we have in a proper way. A lot of it is devoted to the preservation of wetlands and nature reserves. We have lots wildlife refuges. They are not big game, but they are precious game. We are on a flyway from north to south and lots of bird watching goes on there, a very serious interest in the preservation of species.

So I appreciate the opportunity to be before you today.

Our bill, the one that John Corzine and I have introduced, the New Jersey Coastal Heritage Trail Route bill, would reauthorize a law that was based on a bill that former Senator Bill Bradley and I first introduced in 1988. The law was extended, but it has now expired, bringing work on the trail to a standstill.

The bill you are considering today would authorize a \$4 million Federal appropriation for New Jersey's Coastal Heritage Trail. That authority would sunset in 2009, allowing enough time for unfinished trail projects to be completed.

Now, New Jersey's role in the early history of our country was a very important one. A significant part of our State's heritage is our coastal area. There is a 300-mile trail. It is divided into five sections that extend south from Perth Amboy, New Jersey to Cape May, New Jersey, and then west to Deepwater, New Jersey.

New Jersey's Coastal Heritage Trail is unique. It is neither a national heritage area nor a national trail. Collaboration on this trail marked the National Park Service's first attempt at protecting a significant resource without actually acquiring it, and the experiment has been a resounding success. The National Park Service, the State of New Jersey, and many other public and private organizations have worked hard to preserve the State's natural and cultural heritage along the trail.

The experiment also has been a bargain in real terms. Between 1988 and 2004, the Park Service spent \$3.9 million on trail projects

while non-Federal sources contributed \$5.4 million in matching funds. These funds are an important investment in New Jersey's economy. Last year 65 million visitors came to New Jersey. Most of the people who visited New Jersey go to seashore and end up spending time on parts of the Coastal Heritage Trail.

Signs and exhibits along the trail entice visitors to explore New Jersey's maritime history, the coastal habitats, and wildlife migration. People think of us as a crowded, highly industrialized State, and we have been that, but New Jersey is also filled with incredible beauty that any visitor will see, such as a bald eagle silhouetted against a Delaware Bay sunset, a lone fishing boat making its way through Barnegat Inlet at dawn, or the quiet, dark waters flowing slowly through the Pine Barrens, which is a huge reserve in New Jersey. A large part of our State is confined to that. Such sights are also part of New Jersey and the Coastal Heritage Trail invites New Jerseyans and many other visitors to enjoy these splendors.

So, Mr. Chairman, I sincerely hope that your subcommittee and the full Committee on Energy and Natural Resources will see fit to report this bill promptly as it is. Getting it passed and signed into law will help protect our environment and markedly improve the quality of life for millions of Americans, all at little cost to the Nation's taxpayers. I thank you for considering this bill and for inviting me to testify on its behalf today.

Senator THOMAS. Thank you very much, Senator. We appreciate your being here, and we will certainly give consideration to your bill.

Senator LAUTENBERG. Thank you very much.

Senator THOMAS. Now, if we could go ahead and have our representative here from the National Park Service, Mr. Randy Jones, Deputy Director. Thank you for being here, Director. You go right ahead please.

**STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR,  
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR**

Mr. JONES. Thank you, Mr. Chairman. I have a lot of ground to cover, so I will move quickly. I will start with presenting comments and the views of the Department of the Interior on S. 1852, a bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin. The Department does not support this bill.

The bill would authorize financial assistance in the form of a grant to the Franklin Institute to rehabilitate the Benjamin Franklin National Memorial and to develop exhibits in an amount not to exceed \$10 million.

We are committed in the National Park Service to supporting initiatives to commemorate the 300th anniversary of Benjamin Franklin and the interpretation of his legacy, especially at Franklin Court, a unit of Independence National Historic Park in Philadelphia, which does need work in itself. So given the current demands on National Park Service funds, we cannot support this legislation. Our priority is to use available National Park Service funds to

work at Franklin Court to do the work that is needed there, and that would be our top priority for our funds.

Moving on to the views of the Department on S. 2142, a bill to authorize appropriations for the New Jersey Coastal Heritage Trail and for other purposes, the Department supports the bill and recommends an amendment to strike the new grant-making authority and to clarify that the Secretary prepare a strategic plan in partnership with the State. Funding for this trail for fiscal year 2005 in fact is included in the President's budget pending reauthorization of the trail. So it is very important for this legislation to proceed so that this funding can continue to finish the work that has been started in the last decade there.

The bill has four main objectives.

First, it would extend the authority for National Park Service participation in the trail for 5 years.

Second, it would increase the appropriations authorization level from \$4 million to \$8 million.

Third, it would require a strategic plan to be completed within 4 years.

And finally, it authorizes the Secretary to provide grants subject to the availability of appropriations.

Concerning the concept of the strategic plan, Mr. Chairman, that is actually very similar to a discussion we had when you held the oversight hearings on the proposal for heritage areas, and the position that we feel is very important is that we actually do business plans, with the idea of developing and setting a course so that these areas—and this trail is in many ways, while an affiliated unit of the park system, analogous to a heritage area, and we need to use this remaining time to set a course so that the area can graduate and become self-sufficient in the future.

Moving on to the views of the Department on S. 2181, a bill to adjust the boundary of Rocky Mountain National Park in the State of Colorado, the Department supports the bill with one technical amendment, which only serves to update the map reference.

The bill would direct the Secretary of the Interior to proceed with a land exchange involving Federal lands within Rocky Mountain National Park and private lands owned by the MacGregor Ranch, located near Estes Park. This exchange would allow the park to address significant access issues to improve public access to the park while protecting the private property rights of landowners.

Over the last decade at Rocky Mountain National Park, we have initiated a program where we have several very popular trails that use has severely impacted private property owners and their rights. So we have been working on a program to relocate those trail heads to park property so that we are minimizing the impact on private property owners.

This legislation would authorize a boundary adjustment to include a small tract within the park that has been negotiated with the MacGregor Ranch, and in exchange, the Secretary would convey up to 70 acres of Federal land to the MacGregor Ranch. Those lands, however, would have conservation easements on them to the same form and extent that we already own on the rest of the MacGregor Ranch, which essentially limits its use to be used to

support the cattle ranch operations essentially for grazing and use as a hay meadow.

MacGregor Ranch is listed on the National Register of Historic Places and is owned by the charitable Muriel MacGregor Trust, whose purpose is educational in nature. So its use both as an historic area and for its own public use is actually very compatible as part of the park, and the entire ranch actually is located within the park boundary.

Moving on to S. 2432, a bill to authorize the Secretary of the Interior to modify the boundaries of Wilson's Creek National Battlefield in the State of Missouri. The Department strongly supports the enactment of this legislation. The administration transmitted a similar proposal to Congress last month.

Wilson's Creek Battlefield lies 10 miles to the southwest of Springfield, Missouri in one of the fastest growing areas of the country. The current acreage of the park 1,750 acres includes 75 percent of the actual combat areas associated with the battle and within the park boundaries. This bill would actually complete the inclusion in the park of the significant battle resources and the sacred ground that was part of that battle.

The other element of this bill would also authorize the acquisition of the Sweeney Museum property, which is one of the tracts identified in this legislation, and their current collection, one of the most complete private Civil War artifact collections in existence and artifacts of very significant national significance. So we do support the enactment of this bill.

Moving on to present the views of the Department of the Interior on S. 2397 and H.R. 3706, bills to adjust the boundaries of the John Muir National Historic Site, the Department supports enactment of this legislation which was submitted to the Congress as the administration's proposal.

Passage of this legislation would enable the National Park Service to fulfill a critical element of the general management plan by facilitating construction of a visitor parking area. For technical reasons, we recommend the committee approve the House-passed bill rather than the Senate bill.

The John Muir National Historic Site was established in 1964 in recognition of John Muir's efforts as a conservationist and crusader for national parks. In some regards, Senator, I cannot help but point out I feel that this somewhat completes the full range of testimony before this committee. Twenty-five years ago, I had the honor of appearing before this committee in support of 57 million acres of new park land in Alaska, and now to testify for a bill that is two-tenths of 1 acre as an addition to the park certainly spans the full range of legislative proposals.

[Laughter.]

Mr. JONES. In the truest sense, however, this is an area that I think could be defined in laymen's terms as a survey glitch. We need the area added, and the House-passed bill does not limit us to acquisition by a willing seller. We are going to have to go to court on this one to determine who is the owner because there is no owner of record and title searches have not provided one. So we foresee having to go to court for the purposes of clearing title which the House-passed bill would allow us to do.

Because of the steep terrain immediately adjacent to the road, this two-tenths of an acre actually is critical to the construction of a parking lot. This is similar to the issue at Rocky Mountain where our existing parking lot which allows for 17 cars is routinely full. Overflow parking is impacting the neighborhoods, and this would allow us to construct a suitable parking lot for visitors to the area.

Moving on to S. 2374, the bill to authorize a land exchange among the Chickasaw National Recreation Area and the Chickasaw Nation and the city of Sulphur, Oklahoma, the Department supports the bill with amendments.

The bill would authorize the Secretary of the Interior to exchange Federal land in a three-way agreement between the Chickasaw Nation, the National Park Service, and the city of Sulphur, Oklahoma. The bill would authorize the Secretary to convey approximately 29 acres of land owned by the National Park Service to the Chickasaw Nation in exchange for approximately 39 acres of land donated to the Chickasaw Nation by the city of Sulphur and direct the Secretary to place the land conveyed to the Chickasaw Nation in trust for the benefit of the Chickasaw Nation. The bill would allow the Chickasaw Nation to construct a cultural center on the trust land and protect the watershed and riparian resources of the national recreation area.

There is no doubt of the significance of the tract going to the reservation for the purposes of their history and their heritage. We think it is an appropriate that is compatible with the area. Furthermore, the lands that would be added to our jurisdiction are important lands related to the watershed of the area and therefore we think add significant benefit to the National Park Service area.

The Department does propose two amendments to this.

First, we are concerned that the bill does not specify what duties and responsibilities are required of the Secretary in taking the land into trust, and we would recommend the committee set forth those duties and responsibilities and what responsibilities the Secretary should assume with respect to the acquisition of these lands for the Chickasaw.

And second, we would like to clarify in the bill that the boundary of the recreation area would be adjusted to reflect the exchange of both parcels. The current draft of the bill adds the lands to be acquired by the National Park Service, but does not delete the lands to be conveyed to the tribe, and we think those lands should be deleted from the area.

I am getting to the end Senator.

Thank you for the opportunity to present the Department's views on H.R. 1113.

The bill would authorize an exchange of land at Fort Frederica National Monument in Georgia.

The Department supports this exchange between Christ Church, Frederica, and Fort Frederica National Monument, as outlined in the House-passed bill.

The bill would authorize the Secretary to convey to Christ Church, Frederica, located on St. Simon's Island, Georgia, approximately 6 acres of land within the boundaries of Fort Frederica National Monument, in exchange for approximately 8.7 acres of land near Fort Frederica that would be acquired by the church. The 8.7-

acre site that the church proposes to exchange for the land contains archaeological remains that have been established to be from and are significant to the colonial period, which is consistent with the theme of the park.

This is not the first proposal that was developed for this exchange. We had concerns about the very first proposal that was initiated by the church a few years ago. In the negotiations, the alternate tract was identified which we think does merit inclusion in the park and is a good proposal.

Finally, presenting the views of the Department on S. 2567, a bill to adjust the boundary of Redwood National Park in the State of California, the Department supports the enactment of this bill.

The legislation would enable the National Park Service and the California Department of Parks and Recreation to manage a large swath of State-owned redwood forest land known as the Mill Creek property under the same terms that the State park lands currently within the boundaries of Redwood National Park are managed. There would be no Federal cost for land acquisition or development resulting from this legislation, only negligible operation and maintenance costs.

The Mill Creek property was purchased by the Save the Redwoods League for \$60 million from the Stimson Lumber Company. The land became part of the California State park system in June 2002 and is being managed under an interim plan pending action by Congress to add the property to Redwood National Park.

Mr. Chairman, that does complete my testimony on all these bills and I would be happy to answer any of the committee's questions and offer all of my testimonies in their complete length for the record.

[The prepared statements of Mr. Jones regarding S. 1852, S. 2142, S. 2181, S. 2432, S. 2397, H.R. 3706, S. 2374, H.R. 1113, and S. 2567 S. 2567 follow:]

STATEMENT OF A. DURAND JONES, DEPUTY DIRECTOR, NATIONAL PARK SERVICE,  
DEPARTMENT OF THE INTERIOR

ON S. 1852

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 1852, a bill to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin. The Department does not support this bill.

This bill would authorize financial assistance in the form of a grant to the Franklin Institute to rehabilitate the Benjamin Franklin National Memorial, and to develop an exhibit featuring artifacts and multimedia collections relating to Benjamin Franklin, to be displayed at a museum adjacent to the memorial. An amount not to exceed \$10,000,000 would be authorized to be appropriated in fiscal years 2004 through 2008 for these purposes.

For many years, regardless of Administrations, the Department has opposed legislation authorizing appropriations for non-National Park Service construction projects. Many of these projects, like the rehabilitation of the Ben Franklin National Memorial, represent an important contribution to the preservation of our Nation's history. However, each time such legislation is enacted and appropriations follow, it further reduces a limited amount of discretionary funds available to address the priority needs of our national parks and other programs administered by the National Park Service. With the emphasis we have placed on the President's initiative to reduce the deferred maintenance backlog, it has become more important than ever to avoid authorizing funding for non-National Park Service projects that would

likely draw funds from the National Park Service's budget. We are committed to supporting initiatives to commemorate the 300th anniversary of Benjamin Franklin and the interpretation of his legacy, especially at Franklin Court, a unit of Independence National Historical Park in Philadelphia, but given the current demands on National Park Service funds, we cannot support this legislation.

The Benjamin Franklin National Memorial is an affiliated area of the National Park System that is owned and administered by the Franklin Institute. The Memorial includes a colossal seated marble statue of Franklin carved by sculptor James Earle Fraser, which stands in the Rotunda of the Franklin Institute's main building at 20th Street and the Benjamin Franklin Parkway in Philadelphia. The statue and surrounding Memorial Hall was designated as the Benjamin Franklin National Memorial on October 25, 1972 (P.L. 92-551) and made no provision for appropriated funds to be used for acquisition, development, operation or maintenance of this Memorial. The House committee report on P.L. 92-551 anticipated that the Franklin Institute would continue to operate and maintain the Memorial at no cost to the government.

A Memorandum of Agreement (MOA) entered into on November 6, 1973, falls under the administrative authority of Independence National Historical Park. The MOA outlines the major responsibilities of each party regarding the operations of the national memorial. The Franklin Institute agreed to preserve the memorial in perpetuity, that no substantial alterations or repairs be taken without Secretarial approval, that the public shall be admitted without charge to the memorial, and that there will be equal employment opportunities. In turn, the Secretary agreed to include the memorial in publications, to make appropriate references to it in the interpretive and information programs of Independence National Historical Park, and to cooperate with the Institute in all appropriate and mutually agreeable ways on behalf of the memorial.

ON S. 2142

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 2142, a bill to authorize appropriations for the New Jersey Coastal Heritage Trail Route and for other purposes. The Department supports the bill if amended to strike the new grant making authority and if the Secretary prepares the strategic plan in partnership with the State. Funding for the trail for fiscal year 2005 is included within the President's Budget, pending reauthorization of the trail.

S. 2142 has four main objectives. First, it would extend the authority for National Park Service participation in the New Jersey Coastal Heritage Trail Route for five years from May 2004 to May 2009. Second, it would increase the appropriations authorized for the trail from \$4 million to \$8 million. Third, it would require a strategic plan to be completed within four years that both describes opportunities to increase participation by national and local private and public interests in the planning, development, and administration of the New Jersey Coastal Heritage Trail Route and that outlines organizational options for sustaining the trail. Finally, it authorizes the Secretary to provide grants, subject to the availability of appropriations, to partners managing designated trail designations.

The Department is opposed to the grant making authority provision contained in S. 2142. We cannot support this new Federal funding commitment at a time when we are trying to focus our available resources on taking care of existing National Park Service responsibilities. In addition, projects within the region may qualify for current competitive grant programs such as the Land and Water Conservation Fund; Save America's Treasures; Rivers, Trails and Conservation Assistance program; and the newly proposed Preserve America initiative.

The strategic plan authorized in S. 2142 could be an important tool to help the trail develop a long-term management strategy that includes creating a self-sustaining funding mechanism that does not depend indefinitely on operational funding from the National Park Service. We would recommend that the bill be amended to require this strategic plan to be done in partnership with the State.

Reauthorization of the trail would enable the National Park Service to complete implementation of the trail plan, as supported by the public and our partners in the Implementation Guide, a blueprint for overall trail development. Without additional time and funding, the New Jersey Coastal Heritage Trail Route will be left incomplete. Commitments to trail partners would go unfulfilled, and many additional natural and cultural resources would not receive the partnership assistance leveraged by the trail that supports public awareness and stewardship through this program. Implementation of the plan is also critical in building a base of sustainable partners and developing a strategy for the long-term management of the trail.

The Act of October 20, 1988, as amended in 1994 and 1999, authorized the Secretary to designate a vehicular tour route in coastal New Jersey and to prepare an inventory of sites along the route. An interpretive program was also mandated to provide for public appreciation, education, understanding and enjoyment of important fish and wildlife habitats, geologic and geographical landforms, cultural resources, and migration routes in coastal New Jersey. The Secretary was authorized to provide technical assistance, prepare and distribute information, and erect signs along the route. The trail links national wildlife refuges, national parklands, National Historic Landmarks, and National Register sites with important historic communities, state parks, natural areas, and other resources to tell the story of New Jersey's role in shaping U.S. history and in providing internationally important habitats for bird and other migrations.

The trail, an affiliated area of the National Park System, is a partnership among the National Park Service; the State of New Jersey through its Department of Environmental Protection, Commerce and Economic Growth Commission, and Pinelands Commission; and many local government and private non-profit partners. Through interpretation of five themes (Maritime History, Coastal Habitats, Wildlife Migration, Relaxation & Inspiration, and Historic Settlements), the trail brings attention to important natural and cultural resources along coastal New Jersey. The trail demonstrates the potential of new public/private partnerships that allow the National Park Service to meet its core mission of natural and cultural resource preservation along with interpretation and public education in a cost-efficient manner through technical assistance while reducing operational responsibilities. No Federal funds are used for operations, maintenance, or repair of any road or related structure.

The trail has been authorized an appropriation of not more than \$4,000,000 to carry out its purposes during the ten years between 1994 and May 2004. The \$3.9 million in Federal support between 1994 and 2004 included \$1.2 million in development funding and \$2.3 million in National Park Service operational support. The trail has received \$1.9 million in cash grants and \$3.6 million in selected in-kind contributions and partnership support, well exceeding the one-to-one matching requirement established by the 1994 amendments. Since the authorization ceiling has almost been met, the Department supports increasing the ceiling by an additional \$4 million.

The New Jersey Coastal Heritage Trail Route has special value to the National Park Service. With over 10 years of experience behind it, it serves as a model for successful partnerships among the Federal government, state and local governments, and partner organizations. Instead of traditional Federal ownership, the Trail uses technical assistance through interpretation as the protection strategy for the resources along the 300 miles of New Jersey coastline where people continue to live and work. Land ownership and day-to-day operations remain with the partner organizations and agencies. It is an example of an integrated system of local, state, and Federal partnership cooperation with people working on a state-wide level to promote preservation and stewardship of resources as well as economic development strategies. It is an excellent example of the "seamless network of parks" strategy encouraged by the Department. The costs are very modest when compared to the management expense of national park units.

For example, the Delsea Region Welcome Center for the trail is located at Fort Mott State Park. The State contributed workspace, rehabilitated the building, assisted with exhibit development, and has operated and staffed the facility since it opened in 1993. The National Park Service assisted by developing exhibits for both the park and for the trail, and by preparing an audio-visual orientation program. Attendance at Fort Mott has nearly quadrupled since becoming a trail destination and Welcome Center.

The trail produces brochures and a web page that provide national visibility to destinations and resources that might otherwise be overlooked. Over sixty destinations are linked under the five interpretive themes. All trail destinations provide their own management, staffing, and public programs. The trail supports ecotourism and heritage tourism initiatives in New Jersey where tourism is the second largest employer, creating over 400,000 jobs in 2003 and bringing in \$26 billion in tourism-related expenditures. Last year over 50 million visits were made to the New Jersey shore regions—a huge audience for the awareness, preservation, and stewardship message of the trail. Millions of visitors go to the New Jersey Shore to enjoy the beaches in the summer. The trail not only provides rainy day alternatives for tourists, but it also extends the summer season and provides additional year-round opportunities for both residents and visitors who visit the Jersey Shore on an annual basis.

The trail has also supported cutting edge environmental and migratory habitat research through two National Park Foundation grant projects in partnership with New Jersey Audubon using Doppler radar and acoustic sound recordings to track nighttime songbird migration through New Jersey. This is critical as New Jersey lies along the migratory Atlantic Flyway, and the Delaware Bayshore region of New Jersey is designated as a Ramsar Treaty Wetland of International Importance component of the Western Hemisphere Shorebird Reserve Network, and a site in the Nature Conservancy's Last Great Places Program.

ON S. 2181

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 2181, a bill to adjust the boundary of Rocky Mountain National Park in the State of Colorado.

The Department supports S. 2181 with a technical amendment to update the map reference. This bill would direct the Secretary of the Interior to proceed with a land exchange involving Federal land within Rocky Mountain National Park and private lands owned by the MacGregor Ranch, located near Estes Park, Colorado. This exchange would allow the park to address significant access issues to improve public access to the park while protecting the private property rights of landowners. The Secretary would receive title to three parcels of vacant land encompassing approximately 6 acres. Two of the parcels are located within the authorized boundary of Rocky Mountain National Park. This legislation would authorize a boundary adjustment to include the third parcel within the park boundary. In exchange for the three parcels, the Secretary would convey up to 70 acres of Federal land to the MacGregor Ranch. As a condition of the land exchange, the Secretary would reserve a perpetual easement on the Federal parcel for the purposes of protecting, preserving and enhancing the conservation values of the Federal parcel. The parcel conveyed to the MacGregor Ranch will remain within the authorized boundary of the park, and will be used as an irrigated hay meadow and for grazing cattle.

Rocky Mountain National Park was established by Congress on January 26, 1915, for the benefit and enjoyment of the people of the United States and to protect the natural conditions and scenic beauties of this portion of the Rocky Mountains. The park currently encompasses approximately 266,000 acres and has some of the most beautiful mountain scenery to be found anywhere in our country. Each year the park draws over 3 million visitors.

The MacGregor Ranch was homesteaded in 1873, which predates the establishment of Rocky Mountain National Park. In 1917, shortly after the establishment of the national park, the National Park Service built a residence for park employees just inside the park boundary, with access via a one-lane dirt road which crosses the MacGregor Ranch for about 3/4 of a mile. This access was provided with the permission of the MacGregor family, but no easement, right-of-way, or other legal document was ever recorded.

The MacGregor Ranch is listed on the National Register of Historic Places and is owned by the charitable Muriel MacGregor Trust. The mission of the Trust is to support youth education through the preservation and interpretation of the historic buildings and educational tours of this working high mountain cattle ranch. In 1980, the boundary of Rocky Mountain National Park was amended to include much of the MacGregor Ranch, and in 1983 the National Park Service purchased a conservation easement covering 1,221 acres of the ranch. While much of the ranch is located within the authorized boundary of the national park, it remains private property.

In the early 1970's, hikers and rock climbers began using the access road through the MacGregor Ranch to reach a small parking lot located just inside the park boundary. Known as the Twin Owls trailhead, the popularity of the area has grown steadily. In recent years, overflow parking has negatively impacted the ranch, and traffic on the one-lane access road has negatively affected the character of the historic homestead and has diminished the quality of the historic scene that visitors to the ranch come to experience.

For several years, the National Park Service and the MacGregor Ranch have been working to find a solution to the traffic and parking problems. Several Environmental Assessments have been prepared to examine various alternatives and gather public input. In 2003, based on public input and an Environmental Assessment, the National Park Service decided to relocate the Twin Owls parking lot to the east end of the MacGregor Ranch, some distance away from the historic homestead. A new access road and a larger trailhead parking lot that can accommodate 80 to 100 cars will be built at the new location.

So that the rules and regulations governing Rocky Mountain National Park can be enforced at the new trailhead and along the access road, the land needs to be incorporated into the national park. To accomplish this, the MacGregor Trust and the National Park Service have agreed to a land exchange. The three parcels acquired by the National Park Service will be used for the development of the new parking lot and access road. The conveyance of up to 70-acres of Federal land to the MacGregor Ranch with a conservation easement will ensure that the property is used solely for ranching.

No appraisals have been done on the properties to be included in the land exchange; however, the National Park Service believes that the lands are of comparable value. It is estimated that the cost of the exchange could be approximately \$13,000, which includes an environmental site assessment and other closing costs.

The estimated development cost for the parking lot, access road, vault toilet, connector trail and related improvements is \$800,000. Rocky Mountain National Park has already programmed the funds for this development from 80% Fee Demonstration and National Parks Pass revenues. Annual operating costs are not expected to increase as the new development is replacing existing facilities and employs sustainable design principles.

#### PROPOSED AMENDMENT

Page 2, line 4 strike "121/60,467, dated September 12, 2003." and insert "121/80,154, dated June 2004."

ON S. 2432

Mr. Chairman, thank you for the opportunity to testify on S. 2432, a bill to authorize the Secretary of the Interior to modify the boundaries of Wilson's Creek National Battlefield in the State of Missouri. The Department strongly supports enactment of S. 2432. The Administration transmitted a similar proposal to Congress on June 10.

Wilson's Creek National Battlefield lies 10 miles to the southwest of Springfield, Missouri, in one of the fastest growing areas of the country. The current acreage of the park is approximately 1,750 acres, but only 75 percent of the actual combat areas associated with the battle are within the park's boundaries. S. 2432 would provide permanent protection from development for significant resources that are integral to the historic events that the park was established to commemorate. It would add approximately 615 acres from six parcels of land that make up the remaining significant resources outside the park boundary that are directly related to the battle. This bill also authorizes the acquisition of the Sweeney Museum property and collections, one of the most complete private civil war artifacts collections in existence. This expansion was included as part of the General Management Plan, and is the number one acquisition priority for the National Park Service's Midwest Region. The operational cost of the Sweeney collection and land structures is estimated at \$500,000.

In addition, the Act that established the park in 1960 stated ". . . the Secretary of the Interior shall acquire . . . the lands (together with any improvements thereon) comprising the Wilson's Creek Battlefield site near Springfield, Missouri, and any other lands adjacent to such site which in his opinion are necessary or desirable to carry out the purposes of this Act." These parcels would significantly increase the park's capability to interpret the important events surrounding the battle of August 10, 1861, in which over 537 Union and Confederate soldiers lost their lives and 2,500 were wounded.

There are six areas proposed for inclusion within the park's boundaries. Area 1 encompasses 20 acres including General Sweeney's Museum of Civil War History, a garage, and a house. The Sweeney museum is a private museum that houses one of the best privately owned Civil War collections in the United States. The collection includes 8,000-10,000 museum objects and numerous archives related to the Battle of Wilson's Creek and the Civil War in the Trans-Mississippi West. Acquisition of the entire Sweeney Archives & Collections is essential to enhance the interpretation and visitor experience of the park. It is anticipated that school groups, researchers, and traditional visitors will use the museum.

Area 2 includes 160 acres encompassing the hilltop where Colonel Franz Sigel began his bombardment of the Confederate encampment and his forces' route of approach to the Sharp stubble field. It also includes a portion of the historic Dixon farmstead that was used as a field hospital. The inclusion of the site would enhance interpretation of the impact of the battle on civilians who lived in the valley.

Area 3 includes 150 acres encompassing the ridge that became known in the aftermath of the battle as Bloody Hill. Bloody Hill was the core combat area of the

Battle of Wilson's Creek. It was an area of intense fighting involving thousands of troops. Casualty rates, particularly among Union forces, proportionately were among the highest seen during the entire war.

Area 4 includes 200 acres encompassing the Guinn Farm, Moody's Spring, and the intersection of Telegraph and York Roads. The Guinn Farm was the site of a skirmish between a portion of Sigel's retreating forces and troops of the Missouri State Guard; a Union artillery piece was abandoned here. Moody's Spring provided a year-round water source for both Union and Confederate encampments during the Civil War. The Telegraph Road was critical as a means of linking transportation and communication with southwestern Missouri and St. Louis to the north and Arkansas and Fort Smith to the south. Colonel Sigel's troops also used both the Telegraph Road and the Little York Road during their retreat from the battle.

Area 5 includes 25 acres encompassing the approach of the Union forces under General Nathaniel Lyon. The first shots of the battle were fired here when Lyon's advance troops clashed with southern foragers. The anticipated construction of a trail in this area would allow visitors to retrace General Lyon's route to encounter the battlefield as the main Union force did on the morning of August 10, 1861.

Finally, Area 6 encompasses 60 acres including the rallying point for Louisiana and Arkansas forces that had retreated from the Ray cornfield after nearly overwhelming advancing Union infantry in the opening stages of the battle.

Inclusion of these six areas would allow the National Park Service to more completely tell the story of the Civil War battle at Wilson's Creek while protecting the lands that played a prominent role in this encounter.

Once this legislation passes, the National Park Service will work cooperatively and collaboratively with the landowners. An appraisal of the properties has not yet been done; however, the total land acquisition cost for the six areas is estimated at \$6.15-\$7.38 million, which includes the estimated \$2.5-\$3.0 million to acquire the museum collection. Area 1, the Sweeney property, is a high priority in the National Park Service's Midwest Regional Office's land acquisition ranking system.

ON S. 2397 AND H.R. 3706

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 2397 and H.R. 3706, bills to adjust the boundary of the John Muir National Historic Site.

The Department supports enactment of this legislation, which was submitted to Congress as an Administration proposal last year. Passage of the legislation would enable the National Park Service to fulfill one of the General Management Plan objectives for the park by facilitating construction of a visitor parking area. As explained later in the testimony, we recommend that the committee approve H.R. 3706 rather than S. 2397.

John Muir National Historic Site was established in 1964 by Public Law 88-547 in recognition of John Muir's efforts as a conservationist and a crusader for national parks and reservations. The site includes the home where John Muir lived from 1890 until his death in 1914, the historic Martinez adobe, Mt. Wanda, and the Muir grave site. Included in the 1988 boundary expansion (Public Law 100-563) that added Mt. Wanda to the park was a 3.3-acre parcel owned by the City of Martinez. Following passage of the legislation, the city donated the parcel to the National Park Service to be administered as part of the national historic site.

At the time of the transfer, both city and National Park Service staff believed that the 3.3-acre parcel, located between the south side of Franklin Canyon Road and the Santa Fe Railroad line, encompassed all of the land between the street and the railroad line. However, in 1994, while surveying the area, the National Park Service discovered that a 0.2-acre (9,500 square foot) tract abutting the south edge of the road had not been part of the parcel donated by the city. Furthermore, it was determined that no one was listed as the owner of the tract with the county tax assessor, that it lacked a tax assessor parcel number, and that no taxes had been collected or paid on the parcel since the 1960's. All efforts to trace the ownership of the property have been unsuccessful.

This 0.2-acre parcel is needed for a new 32-car/2-bus visitor parking area, as called for by the park's 1991 General Management Plan. The park's existing 17-space parking area regularly fills to capacity, causing visitor parking to overflow onto the adjoining neighborhood streets. The City of Martinez has sought the additional off-street visitor parking to respond to residents' concerns. Construction of the parking area is estimated to cost about \$200,000, and funds from the National Park Service's Recreation Fee Demonstration Program (the 20 percent fund for which non-fee-collecting parks are eligible) have been set aside for this purpose. Because of the steep terrain of the area, there are no suitable alternatives within the bound-

ary for a parking lot that excludes this 0.2 acre tract. Work cannot proceed on the parking lot until the park acquires the tract.

Despite the tiny size of this parcel, the National Park Service cannot use minor boundary adjustment authority under 16 U.S.C. 4601-9 to add the property to the boundary. One of the criteria for use of that authority is that the National Park Service obtain written consent from the owner of the affected property. In this case, as mentioned previously, the owner cannot be located.

Both S. 2397 and H.R. 3706 provide for adoption of a new boundary map that places the 0.2 acre parcel in question within the boundary of the John Muir National Historic Site, and both authorize the Secretary of the Interior to acquire the tract and administer it as part of the park. However, S. 2397 provides for acquisition only from a willing seller. Since the owner cannot be located, we anticipate acquiring title through condemnation, which S. 2397 would not allow. H.R. 3706 does not include a "willing seller" provision and therefore would allow acquisition through condemnation. For that reason, we urge the committee to approve H.R. 3706, which was passed by the House on June 21, rather than S. 2397.

ON S. 2374

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 2374. This bill would authorize a land exchange among the Chickasaw National Recreation Area, the Chickasaw Nation and the City of Sulphur, Oklahoma.

The Department supports S. 2374 with amendments. The bill would authorize the Secretary of the Interior to exchange Federal land in a three-way agreement between the Chickasaw Nation, the National Park Service, and the City of Sulphur, Oklahoma. This bill would authorize the Secretary to convey approximately 29 acres of land owned by the National Park Service to the Chickasaw Nation in exchange for approximately 39 acres of land donated to the Chickasaw Nation by the City of Sulphur, Oklahoma; direct the Secretary to place the land conveyed to the Chickasaw Nation in trust for the benefit of the Chickasaw Nation; allow the Chickasaw Nation to construct a cultural center on the trust land; and protect the watershed and riparian resources of Chickasaw National Recreation Area.

The Chickasaw Nation has expressed an interest in establishing a cultural center inside or adjacent to the park. The cultural center would include a performing arts theater, plaza area, administration/cultural education center, visitor center, stickball field, village, agricultural field, amphitheater, and parking lots. In 2000, the NPS Intermountain Regional Director signed a letter of support to work with the Chickasaw Nation and the City of Sulphur to investigate the possibility of a land exchange to allow the construction of the cultural center on a site currently within the park's boundary, after that property has been exchanged for a site of equal value.

This bill would provide the following benefits to the National Park Service, the Chickasaw Nation, and the City of Sulphur:

- The NPS would enhance its ability to protect scenic values and reduce potential land use encroachments on both the east and west boundaries of the park through close cooperative efforts with the Chickasaw Nation and the City of Sulphur. The Chickasaw National Recreation Area, through a partnership with the Chickasaw Nation, would meet its mandate to provide access to the culture and history of the Chickasaw Nation, in a way that allows the Nation to tell their story to the millions of park visitors. The addition of Tract 102-26 to Chickasaw National Recreation Area would help to protect Wilson Creek and its drainage, a major tributary to Veterans Lake located within current park boundaries.
- The Chickasaw Nation would establish an important research, education, and museum facility to document and extend understanding of their culture to its members and visitors on lands that hold significant historical connection to the Chickasaw Nation.
- The City of Sulphur and the surrounding Murray County communities would contribute to the protection of land resources within the county, while providing additional economic development potential to the local economies.
- Enactment of this bill would acknowledge and support the long and vibrant partnership among the National Park Service, the Chickasaw Nation, and the citizens of Oklahoma.

Set aside as Sulphur Springs Reservation in 1902, Chickasaw National Recreation Area has gone through several expansions and name changes. The Chickasaw Nation, fearful that Seven Springs now "Pavilion Springs" would end up in the hands of private developers, agreed to cede the springs to the Federal government. Amend-

ing the Treaty of Atoka of 1897, the Chickasaw and the Choctaw ceded a tract of 640 acres containing the springs to the Federal government for \$20 an acre. The government set aside the 640 acres as the Sulphur Springs Reservation in 1902. In 1904, 218 acres were added and Sulphur Springs Reservation was opened to the public. Renamed Platt National Park in 1906 in honor of Senator Orville H. Platt of Connecticut, it carried that name for the next 70 years.

In the mid 1960's, a series of events occurred including the construction of Arbuckle Dam and Lake, the formation and management of the Arbuckle Recreation Area by the NPS, and the addition of land along Rock Creek to connect the recreation area to Platt National Park. In 1976, Platt National Park, the Arbuckle Recreation Area, and additional lands were combined and renamed Chickasaw National Recreation Area to protect and expand water and other resources, to memorialize the history and culture of the Chickasaw Nation, and to provide for public outdoor recreation.

From prehistoric times to the present, access to the combination of cool water, mineral springs, cool breezes, shade, and wildlife has created at Chickasaw National Recreation Area an experience that sets it apart from the surrounding environment. The springs and streams of Chickasaw come from a complex geological and hydrological feature and these resources have been economically and environmentally significant throughout the history of the region, and are valuable for scientific research.

The park holds a vast diversity of natural resources. These unique flora, fauna, waters, and geological formations have withstood the external pressures of man made and natural changes.

The Secretary, the Chickasaw Nation and the City have completed all required environmental compliance and have signed a preliminary agreement to effect the land exchange to allow the construction of a cultural center. The value of the federal land and non-federal land is approximately equal, as determined by the Secretary through an appraisal performed by a qualified appraiser and in conformance with the *Uniform Appraisal Standards for Federal Land Acquisitions*. Through the signed preliminary agreement, the Chickasaw Nation has agreed to bear all costs associated with this transfer, including environmental surveys, appraisals, boundary surveys, title examinations, and closing costs.

The land to be conveyed to the Chickasaw Nation holds significant historical and cultural connections for the people of the Nation, and the proposed use by the Nation is consistent with protecting park values.

The Department proposes two amendments following this statement. First, we are concerned that the bill does not specify what duties and responsibilities are required of the Secretary in taking the land into trust. The Department has devoted a great deal of time to trust reform discussions. The nature of the trust relationship is now often the subject of litigation, and much of the current controversy over trust stems from the failure to have clear guidance as to the parameters, roles and responsibilities of the trustee and the beneficiary. As Trustee, the Secretary may face a variety of issues, including land use and zoning issues. Accordingly, the Secretary's trust responsibility to manage the land should be addressed with clarity and precision.

The Department has an established regulatory process for taking land into trust that would provide such clarification. Before land is taken into trust through this process, the Secretary considers important issues such as the use of the land and the potential impact upon the relationship between the tribe and local residents. If Congress directs the Secretary to take land into trust, as it does in the bill, we feel that Congress should provide the guideposts for defining what that relationship means. Both the Executive Branch and the Judicial Branch are faced with the question of what exactly does Congress intend when it puts land into trust status. Congress should decide these issues, not the courts.

Therefore, we recommend the Committee set forth in the bill the specific trust duties it wishes the United States to assume with respect to the acquisition of these lands for the Chickasaw. For example, the bill should be more specific about the use of the trust property. We understand that the Chickasaw Nation, the State of Oklahoma, the City of Sulfur and the National Park Service have worked to address some of these issues, including the use of the trust land. An amendment that in part reflects this agreement is provided at the end of this testimony. The benefits of either the regulatory approach or Congress providing more specific direction concerning the Secretary's trust duties are that it would clearly establish the beneficiary's expectations, clearly define the roles and responsibilities of each party, and establish how certain services are provided to tribal members.

Second, we would like to clarify that the boundary of Chickasaw National Recreation Area will be adjusted to reflect the exchange of the two parcels.

## PROPOSED AMENDMENTS

Page 5, line 6 strike “to allow the construction of a cultural center and to protect” and insert “for the exclusive purposes of constructing and operating a tribal cultural center to interpret the culture and history of the Chickasaw Nation and for protecting”.

Page 6, line 8 strike all after “Boundary Revision.—” and insert “Upon completion of the conveyance of the non-Federal land to the Secretary pursuant to this Act, the Secretary shall revise the boundary of Chickasaw National Recreation Area to reflect the exchange with the Chickasaw Nation.”.

## ON H.R. 1113

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the Department's views on H.R. 1113. This bill would authorize an exchange of land at Fort Frederica National Monument.

The Department supports an exchange of land between Christ Church, Frederica and Fort Frederica National Monument, as outlined in H.R. 1113. Although appraisals have not been completed for the two parcels, we expect that the value of the land received by the National Park Service (NPS) will be more than the value of the land given up so there will be no need for land acquisition funding. The NPS would incur increased operational costs associated with the exchange because of the archeological value to the park of the acquired lands. However, the amount of those costs cannot be determined until the significance of the resources present on the site NPS acquires is established.

The Department testified in support of this bill at a House Subcommittee on National Parks, Recreation, and Public Lands hearing on April 8, 2003. At the House markup the bill was amended to adjust the amount of land to be given by the NPS to Christ Church from 4.8 acres to 6 acres in order to provide sufficient land for the church to complete their development project. As a part of this process, the NPS worked closely with Representative Kingston's office to assure that the historic scene of the National Monument will be protected and that the park's artifact storage facility and other buildings would remain within the park boundary.

H.R. 1113 would authorize the Secretary to convey to Christ Church, Frederica, located on St. Simons Island, Georgia approximately 6 acres of land within the boundary of Fort Frederica National Monument in exchange for approximately 8.7 acres of land near Fort Frederica that will be acquired by Christ Church. Upon completion of the exchange, the Secretary shall revise the boundary of Fort Frederica National Monument and administer the land acquired through the exchange as part of the monument.

Fort Frederica National Monument is located 12 miles northeast of Brunswick on St. Simons Island, Georgia. The monument's authorized boundary contains 250 acres and preserves the remains of a fortified town established and laid out by Governor James Oglethorpe in 1736 to defend against invasion from Spanish colonies in Florida.

Fort Frederica was one of the earliest English settlements in what ultimately became the State of Georgia, preceded by Fort King George (1721), located near Darien, Georgia, and the Cities of Savannah (1733) and Augusta (1735), also established and planned by Oglethorpe. Fort Frederica was a prosperous community of substantial homes whose residents were tradesmen and farmers supplying the garrison stationed there much the same way communities provide goods and services to military installations today. In 1739, Britain and Spain entered a war that eventually involved Fort Frederica. After the 1748 treaty, Frederica's military garrison was withdrawn and the town of Fort Frederica fell into decline. In 1758, a fire destroyed most of the existing structures.

Fort Frederica National Monument was established on May 26, 1936. Subsequent legislation increased the authorized boundary to 250 acres and directed the Secretary of the Interior to acquire the Battle of Bloody Marsh memorial site on St. Simons Island. Subject to the 250-acre limitation, the Secretary was also authorized to acquire additional marshland acreage west of the Frederica River, across from the National Monument, for additional protection of the historic scene.

On June 29, 1993, following a lengthy campaign involving the efforts and support of the Trust for Public Land and many private citizens of St. Simons Island, Fort Frederica acquired 28 acres of land, including river frontage on the south side of the town site, that had been planned for a major marina development. This acquisition preserved the historic view of the river approach to Fort Frederica. The 6-acre parcel that H.R. 1113 directs the Secretary to give to Christ Church is within this 28-acre acquisition.

The 8.7-acre site that Christ Church proposes to exchange for the land at Fort Frederica contains archeological remains that have been established to be from the colonial period. Tradition indicates that the land includes General Ogelthorpe's home, however we are unaware of any archeological survey work that has been completed on this tract to positively determine if this is the case.

The main town site within the National Monument contains several well preserved and partially reconstructed colonial ruins. There may be additional administrative and operational costs associated with protecting a small archeological site detached from the main park unit and it has not been determined if that cost is commensurate with the limited additional interpretive value of the site if it only contains additional Frederica era resources but does not include Oglethorpe's home.

S. 2567

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 2567, a bill to adjust the boundary of Redwood National Park in the State of California.

The Department supports enactment of S. 2567. This legislation would enable the National Park Service and the California Department of Parks and Recreation to manage a large swath of state-owned redwood forest land, known as the Mill Creek property, under the same terms that state park lands currently within the boundary of Redwood National Park are managed. It would thus provide for more efficient and cost-effective management and protection of a very ecologically important resource in the coastal redwood region of northern California. There would be no Federal costs for land acquisition or development resulting from this legislation, and only negligible operation and maintenance costs.

S. 2567 would revise the boundary of Redwood National Park and increase the park's acreage limitation from 106,000 acres to 133,000 acres to accommodate the addition of the 25,500-acre Mill Creek property and about 900 acres of state park lands that have been acquired since the last park boundary adjustment was enacted in 1978. The Mill Creek property consists of the watersheds of Mill Creek and Rock Creek, tributaries to the Smith River, and is contiguous to the Redwood National Park boundary. This property has been studied and proposed for park status since the early 1900's, most recently in the 1960's as the heart of an early proposal to establish Redwood National Park. Coast redwoods comprise almost 95 percent of the forest type on the property. The land includes about 121 acres of ancient redwood forest, and contains 23 species that are endangered, threatened, or of special concern. Mill Creek supports the most significant run of Coho salmon in the entire Smith River watershed and has been identified as critical to the recovery of the species.

The Mill Creek property was purchased by the Save-the-Redwoods League for \$60 million from the Stimson Lumber Company, which was phasing out logging operations on the property and wanted to sell the land. Funding for the purchase came from a variety of state and private sources. The land became part of the California state park system in June, 2002, and is being managed under an interim plan pending action by Congress to add the property to Redwood National Park.

If the Mill Creek property is included within the boundary of Redwood National Park, it will be managed under the same cooperative management agreement that the National Park Service and the California Department of Parks and Recreation currently use to manage the National Park Service property and the three state parks within the boundary. The joint Federal-state management arrangement at Redwood is unusual within the National Park System, but has come to serve as a model of interagency cooperative management efforts.

The Federal-state management arrangement at Redwood stems from the origins of the park. The 1968 legislation that established Redwood National Park and the 1978 legislation that expanded it included three existing state parks within the boundary in anticipation of eventual conveyance from the state to the National Park Service. For a variety of reasons, that conveyance did not occur. The state parks currently own about 32 percent of the land within the Redwood National Park boundary, and about half the acreage of the ancient redwood forest in the park. In the 1990's, after years of experiencing duplication of efforts and management conflicts, the National Park Service and the California Department of Parks and Recreation established a framework for cooperative management of the Federal and state parks. Congress facilitated this effort by providing authority for the National Park Service to enter into a cooperative management agreement for the Redwood parks with the state agency—and, incidentally, has since extended that authority to all units of the National Park System due in large part to the success of the arrangement at Redwood.

The Federal-state cooperative management agreement at Redwood National Park allows the two park agencies to operate the entire 105,000-acre area in a unified manner. In a reflection of that unity, while "Redwood National Park" remains the legal name for the park, the name of the site that is used for public information purposes is "Redwood National and State Parks." The management decisions of both agencies are guided by a joint General Management Plan, adopted in 2000. The two agencies share staff, equipment, and facilities to fulfill common resource protection and visitor service goals. They develop common procedures for activities such as issuing special use permits, and common programs for park operations such as staff training and media relations. They develop and implement schedules so that the two agencies cover for each other and avoid duplication. Both agencies benefit from efficiencies in the areas of law enforcement, interpretation, administration, resource management and maintenance. Facilities and space on the new parcel will increase these efficiencies by providing centralized staging areas, storage space and offices for these joint operations.

Adding the Mill Creek property to the boundary of Redwood National Park, as S. 2567 would do, would enable the National Park Service and the California Department of Parks and Recreation to extend all the benefits of the cooperative management agreement to that property, as well. The result would be the more efficient and effective management and protection of land that provides a critically important contribution to the ecological values that the National Park Service protects at Redwood National Park.

Mr. Chairman, that concludes my statement. I would be happy to answer any questions you or other members of the subcommittee may have.

Senator THOMAS. Thank you very much. Your testimony will be included in the record.

Redwood Park that you just mentioned is kind of a conglomeration of State, city, and national park units. Is that not right?

Mr. JONES. That is correct, Senator.

Senator THOMAS. Or lands, rather.

Mr. JONES. That is correct, Senator. In the truest sense, it is a partnership between the National Park Service and the State of California. There are three separate State parks, and the State park employees and the National Park Service employees work as a team and share resources and share expenses for the operation of the area as a whole.

Senator THOMAS. Is this going to be a cost-saving change for the National Park Service?

Mr. JONES. In some regards, we think it is because it would allow this particular block of land to be considered in the same context as all of the other existing State blocks of land and not have to be treated in a different form or in a different manner. So it provides consistency so that everything can be operated under one document and one agreement.

Senator THOMAS. Back to the Benjamin Franklin Memorial. What is your priority there? You had something you wanted to work on rather than what is suggested here in the bill. Is that correct?

Mr. JONES. That is correct, Senator. We do have a section of Independence National Historical Park dedicated to the history of Benjamin Franklin. That is a site that does need work and investment to improve our interpretation and our facilities there. We think that should be our top priority for our existing funds.

In the context of history, while the Franklin Memorial is an affiliated unit of the National Park System, not a full unit, citing back to the 1970's when Congress passed the legislation, the committee report language at that time specifically said in establishing the area as an affiliated area that it was under the assumption

that the private sector would continue to fund and operate the area and not the National Park Service.

Senator THOMAS. This heritage trail route. What type of a unit is that with respect to the Park Service?

Mr. JONES. It was a piece of legislation that passed in and of itself. It is sort of a marriage of an affiliated unit with the heritage area concept. That is one of those things, as we have discussed before at other hearings, the whole evolution of the heritage area concept, which is probably what this is most analogous to.

A lot of excellent work has been done, working with the State. They have established a series of welcome or visitor centers in the area. They have developed a series of publications. Work is well underway and I think we have made very good progress. There is no doubt of the significance of this area from a variety of points of view because there are National Park System units in the area. There are also a series of national wildlife refuges in the area because it is a very important area for migratory birds, as well as beautiful beaches. So we have a continuing role, and the purpose of this bill is really just to allow us to finish our work so that the area can graduate and move on on its own in a few years.

Senator THOMAS. There is no authority there for land acquisition or control of private lands surrounding or those kinds of things?

Mr. JONES. No, sir, there is not.

The one concern we do have on that bill is the authority to create new grant-making authority to local entities. We feel that there are already existing authorities that could be used, for example, the State-side Land and Water Conservation Fund in cooperation with the State, the Save America's Treasures program, and other programs that we feel provide existing authority that is adequate to any of those needs, rather than creating new grant-making authority to this area. So we would prefer not to see that in the bill.

Senator THOMAS. Senator Talent, I will get right back to you. I will let the Senator ask questions.

Senator AKAKA. Thank you very much, Mr. Chairman.

Mr. Jones, I would like to ask a couple of questions about H.R. 1113, the land exchange at Fort Frederica National Monument in Georgia. As I understand your testimony, the lands to be conveyed to Christ Church were acquired by the Park Service in 1993. If these lands were important enough to add to the park 11 years ago, why do you now support transferring them out of the park?

And second, was this exchange initiated by the Park Service or by the church?

Mr. JONES. The lands that we are proposing and agree could go to the church were part of a larger tract. Our purpose and interest in the original acquisition of this tract was for the values on the rest of the tract—I believe it was somewhere between 26 and 30 acres in size. Being part of the larger tract, it is the other values that were of significance to the park. The lands that would go to the church are directly adjacent to the park's maintenance facility and other developed facilities. Therefore, we feel this is a use that can be compatible with the park purposes, especially since the lands that they are now proposing to exchange with us definitely do have significant resources and value that add to the purposes of the park.

The second question. It is my understanding that the initial discussions were initiated by the church. They made an original proposal to us that we did not support and said we would not support. They then, over a period of time, came up with this new proposal that we have been working with them on that would add significant resources to the park. So that is why we feel we are in a position to support it today.

Senator AKAKA. Thank you.

My other question is on S. 2567, the Redwood National Park. According to your testimony, the State of California owns 32 percent of the land in Redwood National and State Park. What is the relative funding contribution of the National Park Service and the State of California's Department of Parks and Recreation for the management of the combined Redwood National and State Park?

Mr. JONES. Senator, I have to apologize and say I would be happy to supply that to you for the record. I do not know those numbers off the top of my head. But both the State and the National Park Service do put significant resources into the area and we feel we have an excellent team relationship with the State in managing this resource for the public.

Senator AKAKA. From what I have seen of the map, it looks as though it is a good move.

So thank you very much, Mr. Chairman.

Senator THOMAS. Thank you.

Senator Talent.

#### **STATEMENT OF HON. JAMES M. TALENT, U.S. SENATOR FROM MISSOURI**

Senator TALENT. Mr. Chairman, I have no questions. I just want to thank you for scheduling the hearing on S. 2432, you and the ranking member, and also Mr. Jones and the administration for their support. This is the Wilson's Creek National Battlefield bill.

Just for the record—and I will not go through the whole opening statement, although I would like to submit it for the record, Mr. Chairman—this was a very significant early battle in the Civil War, the first major battle west of the Mississippi. It was in August 1861. General Nathaniel Lyon tried to drive the Confederates entirely out of the State of Missouri. He was unable to do it. But they fought a big battle with 2,300 casualties. It was inconclusive but it was very important in terms of the history of the war.

It is a great battlefield, a very pristine one. We do need to expand it a little bit because of the pressure that we are getting from the urban growth out of the city of Springfield, which is growing very rapidly. So we are working with the administration, and we are going to try to acquire at least initially Sweeney's Museum, which is one of the biggest private Civil War collections in the country, and add it to the Wilson's Creek National Battlefield.

I sure appreciate your holding this hearing and would appreciate being able to move the bill as quickly as we can. So thanks for your consideration. And I will put the rest of my statement in the record, if that is OK.

Senator THOMAS. It will be in the record. Thank you.

[The prepared statement of Senator Talent follows:]

PREPARED STATEMENT OF HON. JAMES M. TALENT, U.S. SENATOR  
FROM MISSOURI

WILSON'S CREEK BATTLEFIELD BOUNDARY BILL

Mr. Chairman, thank you for holding this hearing today and thank you for including S. 2432, to expand the boundaries of Wilson's Creek National Battlefield in Southwest Missouri.

The battle at Wilson's Creek was one of the bloodiest battles early in the Civil War and the battleground and buildings of historic significance should be protected and preserved.

As states seceded from the Union in 1860-61, Missouri attempted to maintain neutrality. However, with a pro-southern governor and a pro-Union legislature, Missouri was destined to fight a civil war within the very state itself.

All hope of neutrality ended in July 1861 when a peace conference between Governor Jackson and Union Brigadier General Nathaniel Lyon failed, with Lyon declaring that he would rather "the blood of every man, woman and child within the limits of the State should flow, than she should defy the Federal Government. This means war!"

After forming an army, General Lyon drove the pro-Confederate Missouri State Guard under Major General Sterling Price into the south-west of the state, where he prepared to finish them off. He was ultimately unsuccessful in his endeavor, as the Confederate Army won the battle at Wilson's Creek.

The battle fought at Wilson's Creek on August 10, 1861, was the first major Civil War engagement west of the Mississippi River, involving about 5,400 Union troops and 12,000 Confederates. Although a Confederate victory, the Southerners failed to capitalize on their success and the battle led to greater federal military activity in Missouri. Wilson's Creek was also the scene of the death of General Lyon, the first Union general to be killed in combat.

Although a minor engagement, this was one of the most fiercely-contested of the war. The Federals were outnumbered more than 2 to 1. They lost 1,235 (223 killed, 721 wounded, 291 missing) while inflicting on the Confederates a loss of 1,184 (257 killed, 900 wounded, 27 missing). They killed or wounded 214 Confederates for every 1,000 of their own troops engaged, whereas the Confederates inflicted only 81 casualties on the same basis.

Currently, Wilson's Creek National Battlefield is ranked among the most pristine Civil War battlefields in the country. But that does not make it immune from the pressure of the Springfield's urban sprawl. Recently, it was placed on the Civil War Preservation Trust's list of at-risk battlefields. The Springfield area is one of the fastest growing communities in the nation. If this piece of American history is going to be preserved, we must to act quickly and I appreciate the Administration's support in this endeavor.

Additionally, my legislation also authorizes the acquisition of the Sweeney museum; a private museum that houses one of the best privately owned Civil War collections in the United States. The collection includes thousands of artifacts and numerous archives related to the Battle of Wilson's Creek and the Civil War in the region. Acquisition of the entire Sweeney Archives & Collections is essential to enhance visitors' interpretation and experience of the park.

The full story of the battle should be preserved for generations to come, not buried under the Springfield suburbs. I appreciate it being included in this hearing and I look forward to working with the Chairman to have this legislation approved by the full committee.

Senator THOMAS. A couple of other quick ones. The Chickasaw land conveyed to the Chickasaw Nation will be the site of their national cultural center. What is the role of the national park in that?

Mr. JONES. The area would be the tribe's. They would operate it. We would not have operational expenses involved in it. We have talked to them and we are willing to cooperate with them as far as advice and ideas so that our experiences in the world of visitation—we would be happy to give them advice in that area.

Senator THOMAS. Advice is inexpensive then. Is that right?

Mr. JONES. That is correct, Senator.

[Laughter.]

Senator THOMAS. On this Wilson's Creek, the bill is titled Wilson's Creek Battlefield National Park. You referred to it as Wilson's Creek National Battlefield. Which is it?

Mr. JONES. You have got me, Senator.

Senator TALENT. I think it is Wilson's Creek National Battlefield.

Mr. JONES. I believe it is too.

Senator THOMAS. Very good.

Any other questions?

Senator AKAKA. No.

Senator THOMAS. We will let you off the hook.

Mr. JONES. Thank you very much. As always, it is a pleasure to be here.

Senator THOMAS. Thank you, sir.

Now we would like to have our panel 2: the Honorable Mack Mattingly, former U.S. Senator from Georgia, and Mr. Charles Blackwell, Chickasaw Nation Ambassador to the United States here in Washington.

Welcome, Senator. Nice to have you here, sir.

**STATEMENT OF HON. MACK F. MATTINGLY,  
FORMER U.S. SENATOR, ST. SIMONS ISLAND, GA**

Mr. MATTINGLY. Mr. Chairman, Senator Akaka, Senator Talent, I have a statement that I would like to make and we will get back to the Civil War in Missouri when we get to the Oglethorpe site, which is even older.

But it is a pleasure to be here to testify on H.R. 1113. As a member of Christ Church, Frederica, it has been my task for the last 2½ years in trying to obtain a land exchange between Fort Frederica and the church that would benefit both parties. This effort, as has been stated, was started several years ago, but with the assistance of Congressman Kingston that he and I started in March 2002, he arrived at a solution with H.R. 1113. And together with Senators Miller and Chambliss, I believe that we can culminate this effort this year.

Christ Church has agreed with the Sea Island Company of Sea Island, Georgia, which was, I might add, the host of the G-8 summit which just recently completed, to exchange approximately—we were taking our Christ Church property of approximately 23 acres that belongs to Christ Church and trading that for 8.7 acres of land Sea Island owns that is noted as the "Oglethorpe site." We would now want to exchange that site of 8.7 acres for 6.0 acres of Fort Frederica as designated by the surveys that have been submitted to you. The land that we are exchanging to Sea Island will be usable land for them, whereas the land that we are getting from Sea Island would not be because of its historical value.

Christ Church has doubled in size in the last 9 years and the additional land is needed for its expansion. The 6 acres that is adjacent to Christ Church owned by Fort Frederica National Monument does not detract from the National Monument site and is a perfect site for the church. But in addition this 8.7 acres that Fort Frederica will acquire is not only larger, but is a historical site that is contiguous to the monument and is no doubt of great value.

James Oglethorpe, as many have stated, briefly occupied this 8.7 acres as his homestead. Preservation of such sites, as they are non-

renewable resources, should be protected by the Park Service from damage and destruction and also preserved for future scientists and the public. In fact, as has already been quoted, a December 23, 2002 letter from the U.S. Department of the Interior is significant in that they do support this land exchange. The Oglethorpe site sits on around 300 acres with probably about 50 acres of it high ground and the balance was marsh. This site has great significant potential and deserves to be protected and nominated for inclusion in the National Record of Historic Places. Public access and damage to the site should be reduced by deeding it to the Federal Government.

I want to thank you for your time and attention to this matter. As you know, this bill passed the House of Representatives with no objection. Hopefully it could pass intact with the same wording that they passed, which is what this bill is. Hopefully it can pass out this year.

Mr. Chairman, I appreciate your and the ranking member's attention to this matter.

To Senator Talent, I would say that General Oglethorpe came and created the colony of Georgia before there was a United States. So we go way back.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Mattingly follows:]

PREPARED STATEMENT OF MACK F. MATTINGLY, FORMER U.S. SENATOR (R) GA

Mr. Chairman, it is a pleasure to be here today to testify in regards to H.R. 1113. As a member of Christ Church, Frederica it has been my task to assist our church in trying to obtain a land exchange between Fort Frederica and the church that would benefit both parties. This effort was started several years ago, but with the assistance of Congressman Kingston that he and I started in March, 2002, he arrived at a solution with H.R. 1113. And together with Senator Chambliss and Miller, we can culminate the effort this year.

Christ Church has agreed with the Sea Island Co. of Sea Island, Georgia (host of the recent successful G-8 Summit) to exchange approximately 23.124 acres of land that belongs to Christ Church for 8.69 acres of land Sea Island owns, that is noted as the Oglethorpe site. We now want to exchange the General Oglethorpe site of 8.69 acres designated by Shupe Surveying Co., PPC dated 9/19/00 for 6.0 acres of land of Ft. Frederica, as designated by Shupe Surveying Co., dated 12/20/99. The land we exchange to Sea Island will be usable land for them, whereas the land we receive from Sea Island would not be because of its historical value.

Christ Church has doubled in size in the last nine years and the additional land is needed for its expansion. The 6.0 acres that is adjacent to Christ Church owned by Ft. Frederica National Monument does not detract from the National Monument and is a perfect site for the church, but in addition the 8.69 acres that Fort Frederica will acquire is not only larger, but is a historical site that is contiguous to the monument and is no doubt of great value.

James Oglethorpe as many have stated, briefly occupied this 8.69 acres as his homestead. Preservation of such sites, as they are non-renewable resources, should be protected by the Park Service from damage and destruction and also preserved for future scientists and the public. In fact, a December 23, 2002 letter from the U.S. Department of the Interior is significant in that they support this land exchange. The Oglethorpe site was on around 300 acres with probably only 50 acres of high ground and the balance marsh. This site has great scientific potential and deserves to be protected and nominated for inclusion in the National Record of Historic Places. Public access and damage to the site should be reduced by deeding it to the federal government.

Thank you for your time and attention to this testimony Mr. Chairman. ,

Senator THOMAS. Thank you.

Mr. MATTINGLY. Do you have any questions?

Senator THOMAS. Just a question before we go to the other. The land considered for the transfer here was acquired by the National Park Service in 1993 to protect the river viewshed. So how does the church plan to use this land that it acquires, and will that protect the viewshed and so on?

Mr. MATTINGLY. It does protect it, and the use of the land will be for a new church in the future.

Senator THOMAS. Any questions, Senator?

Senator AKAKA. No.

Senator TALENT. Senator Talent?

Senator TALENT. No.

Senator THOMAS. Mr. Blackwell, please.

**STATEMENT OF CHARLES W. BLACKWELL, ESQ.,  
CHICKASAW NATION AMBASSADOR TO THE UNITED STATES**

Mr. BLACKWELL. Thank you, Mr. Chairman, on behalf of Governor Bill Anoatubby of the Chickasaw Nation and my fellow 40,000 Chickasaw citizens. We have written testimony that I would submit to the record and I have a few remarks I would like to have in the record as well.

I am accompanied here today and would like the chair's permission to introduce Mr. Donald Day who is the former mayor of the city of Sulphur and presently on the city council of Sulphur, but most importantly on this project, he has been working on this with the tribe and for the city and with the National Park Service for over 15 years. I would request the chair's permission having Mr. Day, on behalf of the city of Sulphur, be given the opportunity to submit written statements after today's hearing.

Senator THOMAS. Without objection, we will do that.

Mr. BLACKWELL. I have served as the Chickasaw Nation envoy to Washington for almost 15 years, and activities just such as this, not only for the Chickasaw Nation but for tribes all over the country, and the communities surrounding the tribal communities, the cities, and the States, this is an excellent example of what good, solid cooperation can produce.

I find it refreshing, in the historical context of this action, to have the gentleman from the National Park Service asking the tribe to inform them about the trust stewardship.

To put it in historical context, after the removal of the Chickasaw Nation and its people from Mississippi, Alabama, and Illinois to a considerably smaller place in Oklahoma, what was then Indian territory, we found a spot that became the natural spiritual center, geographical spiritual center of the tribe in Indian territory in the new Chickasaw Nation. We immediately put up the barriers of protection, which is what we see the basic tenets of the Federal trust relationship to be. With the coming dissolution in 1902 of the Chickasaw Nation because Oklahoma statehood was looming on the horizon, out of respect for this site, the Chickasaw Nation prevailed on the Federal Government to take the site into trust and protect it for eternity because of its cultural, social, and spiritual significance to us. Now 100 years later, we are involved in a land exchange that returns some of that land to the overview of the tribe for a cultural center which is exactly for that purpose.

The National Park Service has been wonderfully cooperative working with the tribe and the city of Sulphur. As I say, I find it refreshing for us to be in the position to do what we have always done, which is explain to those who have come after us how important some of these places are and how they have to be respected and protected. And that is what the National Park Service does with the National Park System all over the United States.

The only other point I would make is Governor Anoatubby has asked that I prevail upon you, Mr. Chairman, and the committee and Senator Akaka to please approach this with all due speed. It has been 15 years in the making and it is important. On the business side of it, timing is important.

The Chickasaw Nation is bearing all the financial responsibility for this. No burden to the Federal Government or to the city of Sulphur. The city of Sulphur has been more than gracious in the process.

We request your attention for an expeditious consideration. Thank you for being here and we appreciate your time and attention.

[The prepared statement of Mr. Blackwell follows:]

PREPARED STATEMENT OF CHARLES W. BLACKWELL, ESQ., AMBASSADOR TO THE  
UNITED STATES OF AMERICA FROM THE CHICKASAW NATION, ON S. 2374

Mr. Chairman and Members of the Committee: On behalf of Governor Anoatubby and my fellow citizens of The Chickasaw Nation, I appreciate the opportunity to appear before you today to convey our support for S. 2374 which provides for the conveyance of certain land to the United States to be held in trust for the Chickasaw Nation and to revise the boundary of Chickasaw National Recreation Area in Oklahoma.

The Indian Removal Act of 1830 forced us, the Chickasaw Nation to sell all twenty two million plus acres of our tribal lands east of the Mississippi River beginning in 1837 and to remove its citizens to lands west of the Mississippi River in Indian Territory (present day Oklahoma). The Tribe reestablished its government in 1856 by written constitution assuming sovereign jurisdiction over six million acres, the exterior boundaries of which now include all or parts of 13 counties in south-central Oklahoma. The subject land lies within the original exterior boundaries of the lands held in trust for the Chickasaw Nation by the federal government in Indian Territory.

The Chickasaw people are stewards of the land and have always religiously protected our natural environment. After the Removal to Indian Territory, Chickasaw leaders sought out special places in our new lands where culturally significant and other important Chickasaw ceremonies and rituals could be continued. Immediately, the water springs which now comprise the Chickasaw National Recreation Area and the surrounding environs were identified as a culturally significant place. Sulphur Springs, as it came to be called, was identified by the Chickasaw people and our tribal government as a culturally significant special place to be treated with reverence and deep respect.

In 1902, with fear of the commercialization of the Springs and with the pending dissolution of Indian Territory, of Chickasaw government regulation and control of tribal affairs and lands, the Chickasaw Nation government granted the land at Sulphur Springs to the United States government to hold, preserve and protect in perpetuity. It was then that the United States assumed trust responsibility from The Chickasaw Nation for the protection and preservation of Sulphur Springs. Soon the land and springs were designated as Platt National Park with free public access and use of the springs, which has continued to this day. Platt National Park was renamed the Chickasaw National Recreation Area (CNRA) in 1976.

About 1987, the Chickasaw Nation first expressed interest in establishing a cultural center inside or adjacent to the Chickasaw National Recreation Area. With full understanding that the National Park Service could not give CNRA public land directly to the Chickasaw Nation but could, indeed, exchange for land of equal value and use, the National Park Service identified a piece of property owned by the City of Sulphur as potential exchangeable property. The City of Sulphur, being most sup-

portive and interested in having the Chickasaw Nation Cultural Center located nearby, offered to donate the property to the Chickasaw Nation for the exchange. This cooperative effort demonstrates how mutual respect, mutual understanding and open, honest communication can produce mutually beneficial results between local governments, the Federal government and as American Indian Tribal government. I must note from direct observation, that Governor Anoatubby's vision and sustained leadership enhanced by hard work by Gerard Baker, former CNRA Superintendent (now at Mt. Rushmore), and Mr. Donald Day, former Sulphur City mayor, has made the Chickasaw Nation Cultural Center a reality.

Today, the Chickasaw Nation is joined not only by the National Park Service and the City of Sulphur, but also by many other local communities and organizations with the mutual goal of creating a center for Chickasaw tribal culture and history for the three million annual visitors to the park thereby creating an attraction predicted to increase the visitors to 4.5 million in the first year of operation alone. It is this cooperative spirit and communal effort which has led us to the partnership which supports the exchange of the land to be used as a site for the Chickasaw Nation Cultural Center.

Quick consideration, and we hope approval by the Senate Committee on Energy and Natural Resources, of this land exchange is the first step in moving forward with this exciting and important project. This will allow the Chickasaw Nation to build a cultural center to recognize and commemorate its historic and cultural heritage as well as play an on-going role in the economic and cultural well-being of southern Oklahoma. Thank you for your consideration of S. 2374.

Senator THOMAS. All right. Thank you, sir.

The Park Service is to convey this site in trust to the Chickasaw Nation. It will be a trust then. Is that correct?

Mr. BLACKWELL. Well, I think maybe I will take off my tribal diplomat's hat and put on the old lawyer's hat. I think maybe there is some confusion about the language. It is my understanding—correct me if I am wrong—that the land is right now in trust. It is in the Federal trust. It will stay in trust. The Federal Government will hold it in trust for the Chickasaw Nation to use for a cultural center.

Senator THOMAS. And exchange land of equal value.

Mr. BLACKWELL. Well, actually we are coming out a little bit behind in the deal I think. The Federal Government is making out to the tune of \$536, if I remember, give or take.

Senator THOMAS. We ought to hurry it a long on that then, had we not?

[Laughter.]

Mr. BLACKWELL. And we are happy to be able to do that.

Senator THOMAS. All right, sir. Thank you.

Any questions?

Senator AKAKA. Thank you, Mr. Chairman.

Mr. Blackwell, the administration has recommended that it supports the bill but asks that it be amended to explicitly state what the Federal Government's trust responsibilities are for the land that will be acquired by the Chickasaw Nation. In my experience, trust issues are not normally addressed as part of a minor land exchange proposal such as this. Does the Chickasaw Nation support the administration's request to define specific trust responsibilities in this bill?

Mr. BLACKWELL. I appreciate the Senator's attention to this. I am a little confused about it. I do not see any change in the roles or responsibilities that have existed now between the Chickasaw Nation and the Federal Government for over 200 years. Specifically on this piece of land, the relationship has been pretty well defined for over 100 years. I find it unnecessary to go into a great deal of

detail. The folks at home, the tribal officials, the National Park Service, local park people, and the city of Sulphur people have worked this out over the last 15 years. It is for a cultural center. The trust responsibility of the Federal Government is much the same as it is for any land held in trust for a tribe, any tribal government around the country.

But this is for a cultural center. What is going to be constructed on that land, Senator, is a replica of traditional village prior to white contact.

Senator THOMAS. Well, we thank you very much for being here. As difficult as it is sometimes, we will try and move this bill along.

Mr. BLACKWELL. I understand that, Senator, and I appreciate it.

Senator THOMAS. Thank you very much.

If there is no further business, the committee is adjourned.

[Whereupon, at 3:20 p.m., the hearing was adjourned.]

[The following statement was received for the record:]

STATEMENT OF DENNIS M. WINT, PRESIDENT AND CHIEF EXECUTIVE OFFICER,  
FRANKLIN INSTITUTE, PHILADELPHIA, PA

I am Dr. Dennis Wint, President and Chief Executive Officer of The Franklin Institute of Philadelphia, Pennsylvania.

I very much appreciate your willingness to consider Senate Bill 1852, a bill to authorize Federal funding for the rehabilitation of the Benjamin Franklin National Memorial. Further, I would like to take this opportunity to extend my gratitude to the sponsors of this legislation—Senator Arlen Specter and Senator Rick Santorum for their steadfast support for the restoration of the Benjamin Franklin National Memorial.

Mr. Chairman, I respectfully urge the Subcommittee to favorably report this legislation because it will authorize the appropriation of funding that is critical to the integrity of one of our nation's most awe-inspiring national memorials—the Benjamin Franklin National Memorial at The Franklin Institute in Philadelphia, Pennsylvania. Unveiled in 1938, this national memorial is unique, because unlike other national memorials throughout the United States, it does not receive an annual allocation of Federal funds to support programs, operations, or preventative maintenance.

Founded in 1824, The Franklin Institute is one of the nation's premier science and technology museums and also serves as custodian of the Benjamin Franklin National Memorial.

In the spirit of inquiry and discovery embodied by Benjamin Franklin, the mission of The Franklin Institute is to honor the lifetime achievements of America's distinguished scientist, statesman, inventor, diplomat, and founding father and to foster the development of a scientifically and technologically literate society.

Indeed, The Franklin Institute brings Franklin's legacy of inquiry, discovery, and learning to nearly one million visitors each year, over 350,000 of whom are visiting schoolchildren. Every visit to The Franklin Institute begins with a moment of reflection and inspiration in the Benjamin Franklin National Memorial.

In 1972, Public Law 92-511 designated this site as the Benjamin Franklin National Memorial.

In 1973, a Memorandum of Agreement, executed between the U.S. Department of the Interior and the Franklin Institute, directed the Department of Interior to cooperate with the Institute in "all appropriate and mutually agreeable ways in the preservation and presentation of the Benjamin Franklin National Memorial Hall as a national memorial." Under the terms of the 1973 Agreement, the Institute is required to admit the public to Memorial Hall free of charge.

However, The Franklin Institute is a 501(c)(3) non-profit organization, and over the last 66 years, the burden of maintaining this national memorial has been the total responsibility of The Franklin Institute. More than \$15 million has been expended from The Franklin Institute's operating and capital budgets to preserve and maintain the memorial since 1938 when the Memorial was built.

In spite of our diligent efforts to maintain and expenditure of Institute resources, I regret to inform the Subcommittee that this national treasure has fallen victim to the pressures of time, especially the interior marble surfaces and structures that house the statue of Benjamin Franklin, and the exterior.

The Interior Department has not provided any federal funding to the Franklin Institute for maintaining this national memorial with the exception of a \$300,000 "Save America's Treasures" grant awarded in Fiscal Year 2000. Although this funding did help to improve ADA accessibility to the memorial, it left other structural and surface issues unresolved. To address these issues, The Franklin Institute is currently engaged in a private fundraising campaign that is expected to yield over \$7 million for the restoration of the Memorial and exhibit enhancement.

Mr. Chairman, timely passage of this legislation is important because we are eager to renovate and restore the Memorial by 2006, which is the 300th anniversary of the birth of Benjamin Franklin.

In July 2002, President George W. Bush signed into law House Resolution 2362, that created the Benjamin Franklin Tercentenary Commission. This Commission, which I co-chair with Senator Specter, is charged with studying and recommending programs and activities appropriate for this important anniversary.

Since the Memorial Hall's opening in 1938, tens of millions of Americans have had the opportunity to salute Franklin's remarkable impact in Philadelphia at this Hall. As we continue to develop plans to welcome visitors from throughout the world to visit the Memorial and Philadelphia, it is important that the Franklin Institute commence on the meticulous restoration to make the Memorial a place of appropriate reverence to Dr. Franklin on this momentous anniversary of his birth.

Our private fundraising campaign will help match our request for federal assistance. However, it is critical for The Franklin Institute to secure this one-time authorization and appropriation to ensure that the Benjamin Franklin National Memorial is preserved and presented to future generations in a manner befitting Benjamin Franklin's enormous legacy for our Nation.

A rehabilitated Memorial will present Franklin and his inspirational story for the study and observation of future generations of Americans and citizens worldwide. Accordingly, I respectfully urge this Subcommittee to support Senate Bill 1852 so that it may pass Congress before adjournment of the 108th Congress.

Thank you for your invitation to testify on this very important matter.

## APPENDIX

### RESPONSES TO ADDITIONAL QUESTIONS

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF LEGISLATIVE AND CONGRESSIONAL AFFAIRS,  
Washington, DC, October 8, 2004.

Hon. CRAIG THOMAS,  
*Chairman, Subcommittee on National Parks, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Enclosed are answers to the follow-up questions from the hearing held by the Subcommittee on National Parks on July 15, 2004, on S. 1852, S. 2142, S. 2181, S. 2374, S. 2397, S. 2342, S. 2567, H.R. 1113 and H.R. 3706. These responses have been prepared by the National Park Service.

Thank you for giving us the opportunity to respond to you on this matter. We apologize for the delay in our response,

Sincerely,

JANE M. LYDER,  
*Legislative Counsel.*

[Enclosure.]

#### QUESTIONS FROM SENATOR CRAIG THOMAS

*Question 1A.* S. 1852, Benjamin Franklin National Memorial: The bill authorizes up to \$10 million for rehabilitation of the Franklin Memorial.

How will the funds be used and is \$10 million enough to complete the rehabilitation effort?

Answer. As stated in our testimony, the Department does not support this \$10 million grant. After checking with the Franklin Institute, it offered the following information in response to this question:

In preparation for the commemoration of Franklin's 300th birthday, the Franklin Institute has indicated that it intends to revitalize this non-federal memorial and create a space of reverence for its growing number of visitors. In addition to drawing up architectural plans that will maintain the National Memorial's historic integrity, it has plans for this public space that include the following major enhancements:

- Repair and restoration of the self-supporting dome of the National Memorial;
- Professional cleaning and refurbishment of entrance stairs, marble walls, floors, and the 30-ton Franklin statue;
- Creation of a cutting-edge multi-media experience, including sound, video, and holographic technologies;
- Dramatic new lighting and signage, appropriate inscription of inspirational quotations, and audiovisual additions to enhance the Memorial experience; and
- Creation of a 10,000 square foot exhibit adjacent to the National Memorial dedicated wholly to Benjamin Franklin, featuring an unmatched collection of Frankliniana from around the world.

With a total project cost of \$17.8 million, the Institute believes that \$10 million in Federal funding, when combined with private sector funding from local and regional sources (see below) would be sufficient to complete this rehabilitation effort.

*Question 1B.* Does the state or local community plan to provide any funds to support this effort?

Answer. We understand that the Franklin Institute anticipates being able to raise the balance of funding for this \$17.8 million project through the generosity of a myriad of funding sources, including, but not limited to, the Commonwealth of Pennsylvania, the City of Philadelphia, and local and regional private funders, including corporations, foundations, and individuals.

*Question 1C.* S. 1852, Benjamin Franklin National Memorial: How many visitors does the Franklin Memorial receive in a given year?

Answer. According to the Franklin Institute, the Benjamin Franklin National Memorial welcomes 800,000 visitors annually, 300,000 of whom are visiting school-children. However, the memorial is located in the rotunda of the Franklin Institute so it hard to clarify if visitors are going to the Franklin Institute and pass by the memorial or if the statue is the main reason for their visit.

*Question 2A.* S. 2142, New Jersey Coastal Heritage Trail Route: This is neither a Heritage Area or a Trail.

What type of unit of the National Park System is it?

Answer. This is an affiliated area of the National Park System, however, it was established as a "unique" project at the time (1988) that was intended to use interpretation alone as the mechanism to build awareness and stewardship leading to resource protection rather than the traditional use of Federal ownership and Federal management of the resources. The trail is unusual in that the National Park Service does not directly own or manage any land, buildings, or natural or cultural resources or provide employees for guided tours or visitor/welcome centers. Everything is done through partnerships with the partners owning, staffing, and managing the resources. The National Park Service, however, does provide technical assistance in the form of brochures, wayside exhibits, orientation exhibits, welcome center exhibits, resource publications, films, advice on interpretation and resource protection that all strive to raise public awareness of New Jersey's varied natural and cultural resources. In the process of raising awareness, we hope that it will also lead to increased stewardship and protection of those resources at a minimal cost and without the use of traditional Federal ownership.

*Question 2B.* How many other units of this type does the National Park Service have?

Answer. There are currently 25 affiliated areas of the National Park System. There are no other affiliated areas that are similar to the New Jersey Coastal Heritage Trail Route that only use interpretation for resource protection and stewardship.

*Question 3.* S. 2142, New Jersey Coastal Heritage Trail Route: The bill raises the ceiling for funds that are authorized to be appropriated. How do you anticipate using the funds and have any funds been obtained from sources other than the Federal government?

Answer. The Trail calls for the development of five interpretive theme trails (Maritime History, Coastal Habitats, Wildlife Migration, Relaxation & Inspiration, and Historic Settlements) and five regional welcome centers (in facilities owned and staffed by partners.) To date, three of the themes and two welcome centers have been developed.

The remaining activities to fulfill elements within the approved Implementation Guide include:

- Develop remaining two theme trails focusing on cultural sites.
- Upgrade exhibits for existing two welcome centers and develop remaining three welcome centers including videos, brochures, and exhibits. All welcome centers are owned, operated and staffed by partners.
- Produce additional wayside exhibits for trail sites for remaining two theme routes.
- Develop new overall trail orientation video as well as four regional videos.
- Update all regional and trail-wide brochures as theme trails are completed.
- Develop complete highway directional system.
- Provide technical assistance to state park system, wildlife management areas, historic sites, and other non-profits in their efforts to preserve and interpret significant natural and cultural resources at trail sites.
- Periodically review and re-certify trail sites as official destinations.
- Develop additional regional videos, resource publications; and school materials as funds and opportunities for new partnerships or funding allow.
- Develop a long-term transitional management plan for the roles of the National Park Service and its partners following initial implementation.

Based on the 1994 legislation, there is now a requirement that Federal dollars be matched on a 1:1 basis. The trail has raised approximately \$1.9 million in non-federal grants, and partners have provided an estimated \$3.6 million in in-kind services.

*Question 4.* S. 2181, Rocky Mountain National Park Boundary Adjustment: Has the park identified other areas for potential acquisition? If so, how many acres and what is your timeline for acquisition?

Answer. Each year Rocky Mountain National Park sets priorities for land acquisition and submits this information for inclusion in the NPS Land Acquisition Ranking System. For FY 2006, we have identified 3 parcels of land at Rocky Mountain with a combined area of 77.9 acres as potential acquisitions. After the submittal of these parcels, they are rated and ranked at the Regional and Washington level and placed in priority order on the nationwide land acquisition list. Typically, only a few of the projects identified as potential acquisitions are selected from this list for inclusion in the President's budget submission. As such, it is impossible to state what the timeline for acquisition would be for these parcels.

*Question 5A.* S. 2374, Chickasaw National Recreation Area Land Exchange: The land to be conveyed to the Chickasaw Nation will be the site of a new Chickasaw Nation Cultural Center.

Will the National Park Service have any role in managing or providing interpretive programs in the cultural center?

Answer. No, it is not envisioned that the NPS will have a direct role in managing or providing interpretation at the cultural center. There is always the possibility of a future partnership between the Nation and the NPS, but there are no definitive plans.

*Question 5B.* If so, how many National Park Service employees are we talking about and will the Park Service be reimbursed for the effort?

Answer. See answer above.

*Question 6A.* S. 2397 and H.R. 3706, John Muir National Historic Site Boundary Adjustment Act: The National Park Service identified 0.2 acres adjacent to the [park] that no one owns.

Are you confident that no one has title to the 0.2 acres?

Answer. Yes. There has been an exhaustive search for the title for this piece of property. We are confident that no one has title.

*Question 6B.* What is the anticipated cost to complete the transactions for the National Park Service to take ownership of the property?

Answer. We anticipate that it will cost less than \$5,000 for title work and a hazardous materials survey for the property.

*Question 6C.* Has the National Park Service been managing the property during the last several years?

Answer. Yes, the park has been maintaining the property. This includes grass cutting during fire season, fence work, and maintenance of trees on the plot.

*Question 7.* S. 2432, Wilson's Creek National Battlefield: The bill is titled Wilson's Creek Battlefield National Park, but you refer to it in your testimony as Wilson's Creek National Battlefield. What is the correct name and should the bill be amended to reflect the correct name?

Answer. The correct name is Wilson's Creek National Battlefield. The name was changed from "Wilson's Creek Battlefield National Park" to "Wilson's Creek National Battlefield" in the Act approved December 16, 1970 (84 Stat. 1441). The bill should be amended to reflect the correct name.

*Question 8A.* S. 2432, Wilson's Creek National Battlefield: The bill will authorize acquisition of the Sweeney Museum property and collection, which is considered one of the most complete private civil war artifacts collections in existence.

What is the approximate cost to the Federal government to acquire the collection?

Answer. The appraised value of the collection is between \$2.5 and \$3.0 million as stated in our testimony. The buildings and property have not been appraised but we estimate they will cost an additional \$1.5 to \$2.0 million. The total for the collection, property, and buildings is estimated to be \$4 to \$5 million.

*Question 8B.* Does the National park Service have adequate space to house and interpret the collection?

Answer. The collection is displayed and interpreted in General Sweeney's Museum, which is part of the approximately 20 acres in Area 1. The museum building, a garage, and a house would be included in the purchase of the area, along with the collection. The collection will remain in the museum. A few of the objects may be moved to the present visitor's center to be displayed as part of the battlefield exhibit there.

*Question 8C.* How many additional employees will it take to curate and interpret the collection?

Answer. The operational cost of the Sweeney collection and land structures is estimated at \$512,000. Additional funding and employees would be needed to preserve and provide public access to the Sweeney Museum collection. These employees would provide museum services, facility maintenance, utility costs, information technology support, security and interpretation. They would also ensure that a meticulously documented collection of between 8,000 and 10,000 museum objects are preserved and managed, 12,000 square feet of facilities is properly maintained, and

public access and interpretation are provided for 200,000 visitors (including over 8,000 students) annually. These estimates, however, have not been reviewed through the budget process or evaluated against other competing priorities. There may also be opportunities for reducing these costs through improved efficiencies and greater coordination with other NPS programs or activities. The following is a break down of the number of FTEs needed and the operational costs:

Function	FTE Needed	Funding Needed
Curator .....	1.0	\$80,000
Interpreters .....	3.0	170,000
Education Specialist .....	1.0	80,000
Contract Preventative Maintenance of Structures and Grounds .....	1.0	82,000
Provide Utilities .....		20,000
Administrative Support .....	0.5	35,000
Contract IT Support .....	0.5	45,000
Totals .....	7.0	\$512,000

*Question 9A.* S. 2567, Redwood National Park boundary adjustment: The joint Federal/State management arrangement at Redwood National Park is unusual within the National Park System.

Do you find this arrangement to be a cost-saving measure for the Federal government?

Answer. Yes. The coordinated management of the Redwood national and state parks is more efficient and effective than separate management would be. The two entities are able to integrate their ranger forces, coordinate resource management and interpretive functions and share facilities, campgrounds, and maintenance staff. This cuts costs for both the Federal government and the state government.

In a larger sense, the Federal government is saving money by the continued state ownership and management of about one third of the land within the boundary of Redwood National Park. Had the state conveyed its Redwood parks to the National Park Service, as was envisioned in the 1968 legislation that established Redwood National Park, the Federal government would be financing 100 percent of the cost of the park.

In a similar vein, Senator Akaka asked at the July 15 hearing what the relative funding contribution was of the National Park Service and the State of California's Department of Parks and Recreation for the management of the Redwood National and State Parks. We offered to answer that question for the record. For Fiscal Year 2004, the state is contributing \$1.3 million in operational funds (about 15 percent), and the National Park Service is contributing \$7.4 million (about 85 percent). However, the state figure does not include significant funding from the State Department of Parks and Recreation for planning, resource management, and road and trail maintenance that is not accounted for in individual state park budgets.

*Question 9B.* If so, which other units of the National Park System would be good candidates for such an arrangement and are you actively pursuing changes at those parks?

Answer. The cooperative management authority that was provided for Redwood National Park in 1997 to enable it to coordinate management functions with the Redwood state parks was extended to all units of the National Park System in Section 802 of the National Park Service Omnibus Management Act of 1998 (P.L. 105-391). Although there are no other national park units that have integrated the management of the Federal and state parks to the extent that managers have done at Redwood National and State Parks, there are several units that currently have cooperative management agreements with state or local parks. Examples include Golden Gate National Recreation Area, Santa Monica Mountains National Recreation Area, Boston Harbor Islands National Recreation Area, Lowell National Historical Park, Fort Stanwix National Monument, Klondike Gold Rush National Historical Park, and Lyndon B. Johnson National Historical Park. We anticipate that cooperative management agreements will be used between the National Park Service and the states of Washington and Oregon if Congress enacts pending legislation to establish the Lewis and Clark National Historical Park. The National Park Service will continue to pursue opportunities throughout the system to enter into agreements with state and local park authorities to share operational resources where that will result in more effective and efficient use of staff and funding.

*Question 10.* H.R. 1113, Fort Frederica National Monument land exchange: Does any above ground structure remain on the former homestead of James Oglethorpe?

Answer. The land that the NPS would receive has traditionally been identified as the site of the home of James Oglethorpe. Although the land is privately owned, one limited archeological investigation confirmed that a house site on the property was from the Frederica period. No above ground remains from the Frederica era are present.

*Question 11.* H.R. 1113, Fort Frederica National Monument land exchange: Does the National Park Service plan to build any structures or hire new personnel to protect and interpret the property it will be receiving from the church?

Answer. The extent of NPS development will be based upon the level and significance of the resources that are present. Any development would be planned through either a Development Concept Plan or an amendment to the General Management Plan where recommendations would be made for structures and staffing. At this time NPS does not plan to construct any facilities other than perhaps some limited parking for access, fencing, signage, and limited interpretive media for the site such as bulletin boards or wayside exhibits. Some staffing will be required to administer, maintain, and protect the site, but until the level of resources present on the site is determined it is difficult to state what level of staffing will be required and whether the staffing can be absorbed within existing resources or will require new personnel.